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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/673,679 | 09/29/2003 | Mark J. Pettay | PAT-008A | 2036 |
| 29129 7590 09/25/2007 MICHELLE A. ZARINELLI C/O WEST CORPORATION 11808 MIRACLE HILLS DR. MAIL STOP: W11-LEGAL OMAHA, NE 68154 | | | EXAMINER AZAD, ABUL K | |
| | | | ART UNIT 2626 | PAPER NUMBER |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/673,679

Applicant(s)

PETTAY ET AL.

Examiner

ABUL K. AZAD

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-63 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-63 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This action is in response to the communication filed on July 5, 2007.
2. Claims 1-63 are pending in this action.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-10, 12-16, 18, 20, 23-63 are rejected under 35 U.S.C. 102(e) as being anticipated by Garcia (US 2003/0007612).

As per claim 1, Garcia teaches, "a method for evaluating compliance of at least one agent reading at least one script to at least one client", the method comprising at least the following:

"conducting at least one voice interaction between the at least one agent and the at least one client, wherein the at least one agent follows the at least one script"
(paragraphs 0012 and 0013);

“evaluating the at least one voice interaction with at least one automatic speech recognition component adapted to analyze the at least one voice interaction” (paragraph 0047); and

“determining whether the at least one agent has adequately followed the at least one script” (paragraph 0049).

As per claim 2, Garcia teaches, “wherein conducting at least one voice interaction includes conducting at least one voice interaction involving a telemarketing agent” (paragraph 0049).

As per claim 3, Garcia teaches, “wherein conducting at least one voice interaction includes conducting at least one voice interaction governed by at least one script that includes text corresponding to at least one offer of at least one of goods and services” (paragraph 0049).

As per claim 4, Garcia teaches, “wherein conducting at least one voice interaction includes conducting the at least one voice interaction at least in part on at least one communications network” (paragraph 0047).

As per claim 5, Garcia teaches, “wherein conducting at least one voice interaction includes conducting the at least one voice interaction at least in part on a publicly switched telephone network (PSTN)” (paragraph 0045).

As per claim 6, Garcia teaches, “wherein conducting at least one voice interaction includes conducting the at least one voice interaction at least in part on at least one Internet” (paragraph 0029).

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As per claim 7, Garcia teaches, "wherein conducting at least one voice interaction includes conducting the at least one voice interaction at least in part on at least one communications network having at least one wireless component" (paragraph 0040).

As per claim 8, Garcia teaches, "wherein conducting at least one voice interaction includes conducting at least one telephone call " (paragraph 0040).

As per claim 9, Garcia teaches, "wherein conducting at least one voice interaction includes conducting at least one telephone call that is initiated by the at least one client" (paragraph 0043).

As per claim 10, Garcia teaches, "wherein conducting at least one voice interaction includes conducting at least one telephone call that is initiated by an entity other than the at least one client" (paragraph 0046).

As per claim 12, Garcia teaches, "further comprising performing at least one action based upon at least one result of the evaluating of the at least one voice interaction" (paragraph 0047).

As per claim 13, Garcia teaches, "wherein performing at least one action includes transmitting at least one signal to the at least one agent" (paragraph 0048).

As per claim 14, Garcia teaches, "wherein performing at least one action includes transmitting at least one signal to at least one reviewing authority" (paragraph 0049).

As per claim 15, Garcia teaches, "wherein performing at least one action includes making at least one entry in at least one script compliance incentive system" (paragraph 0012).

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As per claim 16, Garcia teaches, "further comprising reviewing at least one determination of whether the at least one agent has adequately followed the at least one script" (paragraph 0012).

As per claim 18, Garcia teaches, "wherein evaluating the at least one voice interaction includes evaluating a plurality of panels" (paragraph 0049).

As per claim 20, Garcia teaches "further comprising comparing data representing an actual duration of at least one interaction, wherein the at least one agent reads at least one script to the at least one client, to data representing an expected duration parameter associated with the at least one interaction" (paragraph 0054).

As per claims 23-60, they are interpreted and thus rejected for the same reasons set forth in the rejection of claims 1-10, 12-16, 18 and 20.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 11, 17, 19, 21, 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garcia (2003/0007612) as applied to claim 1 above, and further in view of Rtischev et al. (US 5,634,086).

As per claim 11, Garcia teaches, standard voice interaction IVR and voice recognition is used to automatically routing the call (Paragraphs 0044 and 0047). Garcia

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does not explicitly teach, "wherein evaluating the at least one interaction includes at least the following: converting the at least one voice interaction into at least one digital signal comprising at least one spectral representation of the at least one voice interaction, comparing the at least one digital signal to at least one reference standard that includes at least one known vocabulary, and matching the at least one digital signal to at least one of words and phrases contained in the at least one reference standard". However, Rtschev teaches, "wherein evaluating the at least one interaction includes at least the following: converting the at least one voice interaction into at least one digital signal comprising at least one spectral representation of the at least one voice interaction, comparing the at least one digital signal to at least one reference standard that includes at least one known vocabulary, and matching the at least one digital signal to at least one of words and phrases contained in the at least one reference standard" (col. 1, lines 44-54; col. 4, lines 51-58; col. 5, lines 4-27). Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to use a well-known voice recognizer as teaches by Rtschev in the invention of Garcia because Rtschev teaches his invention provides for real-time conversation between the system and the user (col. 3, line 66 to col. 4, line 2).

As per claim 17 and 19, Garcia does not explicitly teach, "script includes defining at least one score assigned by the at least one automatic speech recognition component". However, Rtschev teaches, "script includes defining at least one score assigned by the at least one automatic speech recognition component" (col. 5, lines 47-67). Therefore, it would have been obvious to one of ordinary skill in the art at the time

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of the invention to use Rtschev's teaching in the invention of Garcia because Rtschev teaches his invention provides for real-time conversation between the system and the user (col. 3, line 66 to col. 4, line 2).

As per claims 21 and 22, Garcia does not explicitly teach, "a comparison of data representing an actual duration of the at least one interaction to data representing an expected duration parameter associated with the at least one interaction". However, Rtschev teaches, "a comparison of data representing an actual duration of the at least one interaction to data representing an expected duration parameter associated with the at least one interaction" (col. 9, lines 1-22). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use Rtschev's teaching in the invention of Garcia because Rtschev teaches his invention provides for real-time conversation between the system and the user (col. 3, line 66 to col. 4, line 2).

Response to Arguments

7. Applicant's arguments with respect to claims 11, 17, 19-22 have been considered but are moot in view of the new ground(s) of rejection.

Contact Information

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Abul K. Azad** whose telephone number is **(571) 272-7599**. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Patric Edouard**, can be reached at **(571) 272-7603**.

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Any response to this action should be mailed to:

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Or faxed to: **(571) 273-8300**.

Hand-delivered responses should be brought to **401 Dulany Street, Alexandria, VA-22314** (Customer Service Window).

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September 17, 2007



Abul K. Azad
Primary Examiner
Art Unit 2626